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SENATE BILL 781

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY
Steve Komadina

AN ACT

RELATING TO TAXATION; PROVIDING AN INCOME TAX DEDUCTION FOR
TAXPAYERS WHO PROVIDE EDUCATION FOR THEIR CHILDREN THROUGH
TUTORING OR HOME SCHOOLING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Income Tax Act is enacted
to read:

"[NEW MATERIAL] DEDUCTION--EDUCATION--TUTORING--HOME
SCHOOL.--

A. A resident who files an individual New Mexico
income tax return and is not a dependent of another taxpayer
may claim a deduction from net income for each dependent of the
resident who:

- (1) attended a public school and was tutored
on any subject included in the dependent's public school

1 curriculum; or

2 (2) was home schooled, as that term is defined
3 in the Public School Code, during the school year that ended
4 during the taxable year; and

5 (3) was claimed as a dependent on the
6 resident's federal income tax return or, if the resident did
7 not file a federal return, would have been entitled to be
8 claimed as a dependent on the resident's federal return.

9 B. The amount of the deduction that may be claimed
10 under this section is an amount equal to actual expenses paid
11 during the taxable year for tutoring or home schooling a
12 dependent.

13 C. A husband and wife who file separate returns for
14 the taxable year in which they could have filed a joint return
15 may each claim only one-half of the deduction that would have
16 been allowed on the joint return.

17 D. To claim the deduction provided in Paragraph (2)
18 of Subsection A of this section, the resident shall attach to
19 the resident's New Mexico income tax return a copy of the
20 resident's notification submitted pursuant to Section 22-1-2.1
21 NMSA 1978.

22 E. As used in this section, "dependent" means
23 "dependent" as defined in Section 152 of the Internal Revenue
24 Code, but also includes any minor child or stepchild of the
25 resident who would be a dependent for federal income tax

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1 purposes if public assistance contributing to the support of
2 the child or stepchild was considered to have been contributed
3 by the resident."

4 Section 2. APPLICABILITY.--The provisions of this act
5 apply to taxable years beginning on or after January 1, 2007.